88- 1798

APR 10 1989

No. 88 -

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1988

ROLAND E. HEMON,
Petitioner,

v.

OFFICE OF PUBLIC GUARDIAN, et al.
Respondents

SUPPLEMENTAL APPENDIX

PETITION FOR WRIT OF CERTIORARI

TO THE NEW HAMPSHIRE SUPREME COURT

Roland E. Hemon, Pro se
10 Oak St.,
Dover, N.H. 03820
(603) 742-1879
for Petitioners

April 10, 1989

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OPINIONS BELOW (correction)

The final decisions of tne N.H. Supreme Court in its docket numbers 88-274 and 88-261 are dated January 9, 1989, and these orders represents exhaustion of state remedies in these cases and are set forth at **A1** and **A12**. N.H. Sup. Court #88-274 is the outcome of N.H. Strafford County **Superior** Court # 85-E-155. Before N.H. Supreme Court # 88-274, there was N.H. Supreme Court # 87-363, derived likewise from N.H. Strafford County **Superior** Court 85-E-155, which was finally decided June 29, 1988. This order is set forth at A2. As N.H. Supreme Court # 88-274 and # 87-363 have the same basis as to facts, law, constitutional provisions, and participants, they must be joined and considered together, in order to have a sensible meaningful whole. As can be seen by reading the orders set forth at A1 and A2, there is no justification given for the actions, or better non-actions, of the N.H. Supreme Court in covering-up perjury, violations of federal and state statutes,

violations of the titles, rights, privileges, and immunities provided for by both the state and federal constitutions. The net effect of this cover-up is to effectively create a special body of law to be used against the petitioner and his mother, Olivette D. Hemon, against their interests separately and in common, thus violating the due process clause and equal protection of laws clause of the 14th Amendment of the U.S.Constitution. Another aspect of this case is on appeal here as U.S. Supreme Court # 88-1199, which see, docketed December 19, 1988.

JURISDICTION

This Supreme Court has jurisdiction pursuant to 28 U.S.C. § 1257 as amended June 27, 1988. § 1257 relates to direct appeal from the New Hampshire Supreme Court to the U.S. Supreme Court:

" § 1257. State Courts; certiorari
(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the

SUPPLEMENT TO

REASON FOR GRANTING THE WRIT

Having discovered, that five more pages were permitted to the original petition, the petitioner is availing himself of the opportunity to expand on the final paragraph of **REASON FOR GRANTING THE WRIT**, Page 59.

The prepositional phrase " UNDER **COLOR OF STATE LAW** " has been stated several times within the context of this petition for writ of certiorari. This is because the prepositional phrase " **UNDER COLOR OF STATE LAW** ", and the source where it was first encountered, have greatly influenced the perception and analysis of the events and circumstances of this case for $3\frac{1}{2}$ years, and has therefore influenced the opinions, observations, thoughts, and feelings of the petitioner . The source was **SCREWS v. U.S.** 325 U.S. 91 and the opinion of Douglas J., in which Chief Justice, Mr. Justice Black and Mr. Justice Reed concur, and the opinion of Mr. Justice Rutledge, concurring in the result.

SCREWS v. U.S., supra, at page 109 gives a definition of " **UNDER COLOR OF STATE LAW** " citing UNITED STATES v. CLASSIC, 313 U.S. 299, 326, wherein the U.S. Supreme Court said:

"' **Misuse of power, possesed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ' UNDER COLOR OF ' STATE LAW. '"**

SCREWS v. U.S., supra, at page 110, in defense of the holding of U.S. v. CLASSIC, supra,:

"...It followed the rule announced in EX PARTE VIRGINIA, 100 U.S. 339, 346, that a state judge who in violation of state law discriminated against negroes in the selection of juries violated the Act of March 1, 1875, 18 Stat. 336. It is true that that statute did not contain the words under "' color '" of law. But the Court in deciding what was state action within the meaning of the Fourteenth Amendment held that it was immaterial that the state officer exceeded the limits of his authority.'"...as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it '" 100 U.S. at p. 347. And see VIRGINIA v. RIVES, 100 U.S. 313, 321."

And further in SCREWS v. U.S., supra, at page 111:

"...It is clear that under 'color' of law means under 'pretense' of law. Thus the ambits

of officers in the ambit of their personal pursuits are plainly excluded. Acts of officers who undertake to perform their official duties are included whether they hew to the line of their authority or overstep it."

The phrase **" whether they hew to the line of their authority or overstep it "** clearly describes the decision of the N.H. Strafford County Probate Court, in that it did not hew to the line of its authority and overstepped it, when in its decree of April 11, 1985, it granted the guardianship of person and estate of the petitioner's mother, Olivette D. Hemon, to the OPG in violation of N.H. RSA 547-B:3,II. (See **STATUTES INVOLVED,** Page 5 and See **SCHEMATIC OUTLINE OF HISTORY OF CASE, A61**). The N.H. Strafford County Probate Court did not hew to the line of its authority and overstepped it, when on May 25, 1988 it again denied the petitioner his right pursuant to N.H. RSA 547-B:3, II, supra, to be guardian of person and estate of his mother, Olivette D. Hemon as he and she desired. (See **A13** et seq.). The N.H. Strafford County Probate

Court went against the will of both the petitioner and his mother, and thereby " **UNDER COLOR OF STATE LAW** " deprived then both of due process, and discriminated against them as opposed to the OPG, violating their rights pursuant to the 14th Amendment of the U.S. Constitution. The N.H. Supreme Court in effect conspired to cover-up and protect the N.H. Strafford County Probate Court by its order of January 31, 1986 in its # 85-319 (See **A27** and See **SHEMATIC OUTLINE OF HISTORY OF CASE, A61**) saying " **Since the petitioner failed to preserve his right to appeal with respect to the decision of April 11, 1985...**", knowing full well, that it was not the petitioner who failed, but a misbehaving hedonistic attorney, who out of intentional irresponsibility and intentional negligence saw to it, that the appeal of the April 11 , 1985 decree was not preserved, perhaps even for reasons of personal profit and loyalty to the persons with whom she was friendly, namely the OPG personnel. The N.H. Supreme Court further

compounded the error in law and justice and in violation of the 14th Amendment rights of mother and son by its orders in its # 88-261 dated November 21, 1988 and January 9, 1989 with respect to appeal of the May 25, 1988 decree of the N.H. Strafford County Probate Court, supra. (See **A 59** and **A12**, and **SCHEMATIC OUTLINE OF HISTORY OF CASE, A62**). This is part of the subject matter of the instant petition for writ of certiorari here filed. The N.H. Supreme Court order of January 31, 1986, supra, ultimately led to the " **frivolous** " decision made by the N.H. Strafford County Superior Court in its order of October 21, 1987, (See **A8**) dismissing its # 87-E-125, thus ignoring the fraud and perjury in the case and covering this up, a decision supported by the N.H. Supreme Court, when it declined its # 88-074, which # 87-E-125 had become. (See **A56, A57, A21** and **SCHEMATIC OUTLINE OF HISTORY OF CASE, A62**). This became U.S. Supreme Court # 88-1199. The N.H. Supreme Court # 87-363 and # 88-274 are also a part of the instant petition.

SUPPLEMENTAL APPENDIX

to

PETTION FOR WRIT OF CERTIORARI
TO THE NEW HAMPSHIRE SUPREME COURT

SUPPLEMENTAL APPENDIX

to

PETTION FOR WRIT OF CERTIORARI TO THE NEW HAMPSHIRE SUPREME COURT

The page numbers of the supplemental appendix continue from those found in the **APPENDIX** of the instant petition, that is from **A20.** Hence the **SUPPLEMENTAL APPENDIX** begins at **A21.**

The material found in the **SUPPLEMENTAL APPENDIX** comes from the **APPENDIX** to U.S. Supreme Court # 88-1199, to which some of the citations of the instant petition were directed. These citations are of the form (See U.S. Supreme Court # 88-1199, **A9** et seq.) , an example found on page 44 of the instant petition.

To locate such a citation in the **SUPPLEMENTAL APPENDIX** add 20 to the page number cited, as for example in the above **A9** becomes **A29** in the **SUPPLEMENTAL APPENDIX.**

Additionally, at pages **A61** and **A62** is found **SCHEMATIC OUTLINE OF HISTORY OF CASE,** as an aid to overcoming the complications of this case and more easily seeing the relationships existing between the many parts.

(U.S. Supreme Court # 88-1199-A1)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

88-074

In Case No. 88-074 Roland Hemon & a. Office of Public Guardian & a. the court upon September 23, 1988 made the following order:

Plaintiff's petition for entrance is denied.

Distribution:

Strafford County Superior Court (2)

John D. MacIntosh, Esquire

Gerard A. Spegman, Esquire

Donna R. Craig, Supreme Court

Mr. Roland E. Hemon

File

(U.S. Supreme Court # 88-1199-A2)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

1985 TERM — STRAFFORD COUNTY

MAY SESSION — PROBATE COURT

In Re : Olivette Hemon

MOTION TO EXTEND TIME IN WHICH TO FILE APPEAL UNTIL TIME OF DISPOSITION ON PENDING MOTIONS

NOW COMES Roland Hemon, through counsel, cross petitioner in the above matter, GDN #72 and states:

1. Trial was conducted in this matter on several days concluding January 21, 1985, Strafford County Probate Court.

2. After January 21, 1985, and submission to the Probate Court for decision on the merits, several post-trial motions relating to the proceeding were filed by the parties. Various cross-motions and objections were filed in response to the motions.

3. The following motions, objections and cross-motions relate to final post-trial

disposition of the case, and have not yet been heard or disposed of in any fashion:

Motion to Preserve Assets and for Accounting dated 2/13/85
Objection to Motion to Preserve Assets and for Accounting and Cross Motion to Compel dated 2/25/85
Objection to Cross Motion to Compel dated 3/8/85
Motion for Release of Funds dated 3/8/85
Motion to Inform Court of Assets dated 3/8/85
Motion to Remove Temporary Guardian of Person and Estate dated 3/11/85
Objection to Motion for Release of Funds dated 3/19/85
Objection to Motion to Inform Court of Assets dated 3/20/85
Motion to Inform Court and to Request Immediate Consideration of All Matters Pending Before the Court in this Case dated 3/14/85
Motion for Extension of Temporary Guardianship of Person and Estate and Objection to Motion to Remove Temporary Guardian dated 3/14/85
Objection to Motion to Remove Temporary Guardian of Person and Estate dated 3/19/85
Objection to Motion for Extension of Temporary Guardianship dated 3/25/85

4. On April 11, 1985 this Court issued its Decree resulting from the guardianship proceedings concluded on January 21, 1985. A portion of said Decree provides:

" Accordingly, if a verbatum transcript of the record would contradict any rulings of this decree, the contradiction is based upon testimony or statements which the court regarded as not being credible and, if otherwise, it is considered that the error is

harmless based upon its irrelevancy or immateriality. If, in any particular, the court is wrong, any party to this proceeding may have fourteen (14) days from the issuance of this decree to present a specification and record of the transcript which supports his, her or their request for any particular finding of fact or ruling of law. In addition to the pertinent transcript page(s), the specification shall include specific page reference(s) for each request. The court will then review the submission and if warranted, restate its finding. The opportunity so afforded does not encompass leave to expand upon requests or to make new or additional requests."

5. Movant herein filed Motion to Stay Effective Date of Decree dated April 11, 1985 because transcripts had not yet been typed and completed by the Court Reporter. Movant sought the Probate Court's Order Staying the Effective Date of its Decree until 14 days after the parties had received the transcript. Said Motion has not yet been heard or acted upon, and two objections thereto are on record.

6. April 18, 1985 this court issued its Decree which sua sponte deleted the above language from the Order, and otherwise reaffirming the previous Decree.

7. **Counsel for movant was out of the country and on vacation from April 24 - May 12, 1985 inclusive.**

8. The transcript was not completed until May 10, 1985.

9. Until such time as all pending motions, objections and cross-motions are heard and determined, the case is not ripe for appeal.

WHEREFORE, movant prays:

A. That this Honorable Court extend the time in which to file appeal until such time as all pending motions, objections and cross-motions have been determined;

B. For such other relief as is just.

Respectfully submitted,

Dated: May 16, 1985 Signed:

Roland E. Hemon and

Terrie Harman
HARMAN LAW OFFICES
385 Islington St.
Portsmouth, N.H. 03801

(U.S. Supreme Court # 88-1199-A6)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Motion was mailed to James Koromilas, Esquire, John Lyons, Esquire, Joan Gilmore, Esquire, Anthony Hartnett, Esquire and the Strafford County Probate Court.

Signed:

Terrie Harman

(U.S. Supreme Court # 88-1199-A7)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

85-319

In Case No. 85-319 In Re Olivette D. Hemon the court upon January 31, 1986 made the following order:

" Office of Public Guardian's motion for summary affirmance is **denied**; motion for ruling on motion for summary affirmance is moot. **Since the petitioner failed to preserve his right to appeal with respect to the decision of April 11, 1985 on the merits**, the only decision below preserved for appeal is that of June 11, 1985. Petitioner does not raise any questions alleging that the probate court abused its discretion; therefore, the decision below of June 11, 1985, is summarily affirmed in accordance with Rule 25(1)(a)."

A TRUE COPY

ATTEST signed Carol A. Belmain,

Deputy Clerk of the N.H. Supreme Court

(U.S. Supreme Court # 88-1199-**A8**)

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

87-E-125

Hemon v. Office of Public Guardian et al.

Order on Motion to Dismiss:

" The issues raised in this petition have been determined adversely to the plaintiff. I find the petition is **frivolous.** The guardianship ruling of April 11, 1985 **was not appealed** and is final. The motion is granted.

I order the plaintiff to pay attorne;y fees in the amount of $500.00 under Superior Court rule 59. Payment shall be made direct to attorney MacIntosh within seven days of the date of this order.

Date: October 21, 1987

Signed:

Joseph P. Nadeau

Presiding Justice

(U.S. Supreme Court # 88-1199-A9)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. SUPERIOR COURT

85-E-155

OLIVETTE D. HEMON by and through THE OFFICE OF PUBLIC GUARDIAN v. ROLAND E. HEMON

ORDER

Based upon evidence presented at trial, the verdict in favor of plaintiff dated July 2, 1987, and the equity powers of this Court, it is hereby ordered, adjudged and decreed:

1. Defendant shall deliver forthwith three quiltclaim deeds transferring to his mother, Olivette Hemon, sole title to the real estate described below. Defendant shall also be responsible for discharging any and all liens or other encumbrances on the properties which may have occurred after December 30, 1983. Said real estate includes:

A. Property and buildings located in York Harbor, Maine (Knoll Crest) as described in Book 3228, Pages 33-36 at the York County, Maine Registry of Deeds;

B. Property located in Brevard County, Florida as described in Book 2500, Page 1967 of the public records of Brevard County, Florida;

C. Property located in Putnam County, Florida as described in Book 311, Page 1758 of the public records of Putnam County, Florida.

2. Defendant shall forthwith transfer sole possession and title to plaintiff of any and all personal property located at Knoll Crest, York, Maine, including but not limited to furniture, carpets, and rugs, books, linens, curtains, pictures, silverware and dishes.

3. Defendant shall transfer possession to plaintiff of all stocks, bonds, bank accounts, promissory notes and negotiable instruments in the name of Olivette Hemon, individually or jointly with the defendant, as of the date of this order.

4. Defendant shall forthwith deliver to plaintiff sole title and possession of plaintiff's Pacer automobile.

5. Plaintiff shall be entitled to recover from

defendant her taxable costs and expenses of this litigation in accordance with RSA 525:13-14. Plaintiff shall present to the Court and defendant an itemization of such expenses and costs for approval by the Court and payment by the defendant.

6. In the event that defendant fails to comply with any of the orders as set forth above, he may be found, upon notice of hearing, to be in contempt of court. Until the defendant complies with the orders of this Court, plaintiff shall continue to have lien on properties owned by the defendant at 10 Oak Street in Dover, New Hampshire, and Freedom, New Hampshire. In the event that defendant does not fully satisfy the order, a writ of execution will issue on said properties in order to satisfy judgment.

7. In consideration of the services rendered by the defendant to Olivette Hemon as regards her real estate and personal needs, the Court declines to require an accounting of the

income and expenses relating to Knoll Crest from December 30, 1983.

8. In further consideration of the relationship between the defendant and Olivette Hemon, the Court declines to require the plaintiff to account for the funds representing the value of certificates of deposit transferred to Roland Hemon between January 1984 and August 1984.

9. Title to stocks, bonds, bank accounts, promissory notes and negotiable instruments currently in the name of the defendant only shall remain exclusively with him.

10. Title to all personal property in the possession of the defendant is awarded exclusively to the defendant.

Dated: 7/23/87

Signed:

Joseph P. Nadeau

Presiding Justice

(U.S. Supreme Court # 88-1199-**A13**)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIAN FOR OLIVETTE HEMON

GDN # 72

From the transcript of proceedings of August 21, 1984, an ex-parte hearing at which Olivette Hemon did not attend, not having been served. An example of perjury committed by Heloise Davis at this hearing is to be found on pages 51 and 52 of the transcript:

"...And this is when I presently came involved and got her an appointment for her with Dr. Reed and this is when she was found to have Parkinsons..."

Heloise Davis was along with Armand Hemon a petitioner for guardianship of their mother, Olivette Hemon, against her will and desire.

(U.S. Supreme Court # 88-1199-A14)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIANSHIP OF OLIVETTE D. HEMON, GDN #72

From the transcript of proceedings of January 7, 11, 16, and 21 of 1985, Vol. I, Page 130, it is found that Heloise Davis contradicts unequivocally her testimony under oath given at the hearing of August 21, 1984:

"Q. How many times have you met Dr. Susan Reed?
A. I have never met Dr. Reed.
Q. Do you know where her office is?
A. I have no idea.
Q. You've never seen her?
A. No.
Q. Your testimony on August 21st, 1984, and this is when I presently became involved and got her an appointment for her with Dr. Reed.
A. I did not get her an appointment with Dr. Reed, Bea Houle did.
Q. Well, your testimony on the 21st says that you got the appointment with Dr. Reed, is that right or wrong?
A. That's wrong..."

Heloise Davis thus shows either having a poor memory and thus failing to meet the requirement for a credible witness, or having a good memory and having wilfully and intentionally committed perjury. Either way,

since Heloise Davis is a key participant and petitioner, all of the proceedings are ill founded and ill grounded, and compromised. Though the complaints with respect to this have been frequent in the state courts, everything has been done to cover-up and protect this person, and all actions, decrees, rulings, orders etc. of the state courts have this kind of credibility as foundation and legitimacy, and as justification for violations of many state statutes and the state constitution, as well as federal statutes and the federal constitution. Of greater import is the violation of the basic rights of Olivette D. Hemon, who as a result of all of these proceedings carried on " **UNDER COLOR OF STATE LAW** " was brutalized psychologically and the quality of her life destroyed. Injurious repercussions fell on the petitioner, Roland E. Hemon, in the case before this Court as well, because of his self-sacrificing support of his mother, Olivette D. Hemon, the co-petitioner.

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIANSHIP OF OLIVETTE D. HEMON, GDN #72

From the transcript of proceedings of January 7, 11, 16, and 21 of 1985, Vol. I, Page 190, we find the testimony of Beatrice Houle, one of the respondents of this case. This testimony confirms the fact, that Heloise Davis, another respondent, did indeed perjure at the ex-parte hearing of August 21, 1984, when she said under oath, that she had made the appointment with Dr. Reid. It should be noted, that Beatrice Houle was present at the hearing, when this statement was made by Heloise Davis, and made no attempt to correct this false testimony at this time, that is August 21, 1984. Now in January of 1985 we have:

" Q. There's a notation at the top -- I'm not asking you to recognize the writing, but the notation at the top of the page is 5/4/83, would that be the first appointment with Dr. Reed?
A. I imagine.

Q. Do you think it was earlier than that?
A. I can't say, I really don't ---
Q. Okay. So it was at least May 4, 1983?
A. Yeah.
Q. Okay.
A. It was the first appointment she had with Dr. Reed, because I made the appointment.
Q. And Roland went with you to that appointment?
A. Oh, yes.
Q. Did you ever take Olivette to an appointment alone?
A. No. He always made sure he came with me.
Q. Was he concerned about her medical condition, do you think?
A. He wanted to know what -- what the story was..."

(U.S. Supreme Court # 88-1199-**A18**)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIANSHIP OF OLIVETTE D. HEMON, GDN #72

From the transcript of proceedings of January 7, 11, 16, and 21 of 1985, Vol. III, Page 538, we have testimony of Heloise Davis, which states even after hearing respondent Beatrice Houle say otherwise, that the petitioner in this case, Roland E. Hemon, only participated at the second appointment with Dr. Reid. In spite of the fact, that the 2 participants in the Dr. Reid affair both agree, that the petitioner Roland E. Hemon's participation was every time, Heloise Davis, who did not participate, who was not consulted, and who lived 200 miles away, insists only the second time. Nothing so underscores the lack of credibility of this witness and petititioner for guardianship as the fact, that under the circumstances, she refuses to recognize the truth and tries to circumvent it, that truth being, that the petitioner, Roland E. Hemon,

was interested in the welfare of his mother, and did actively do something about it. This of course was in to order to protect her and the respondent Armand Hemon's petition for guardianship, which depended upon their allegations, that the petitioner, Roland E. Hemon, was ignoring the needs of his mother, the co-petitioner, Olivette D. Hemon. The testimony of the respondent Heloise Davis:

" Q. In fact, is it true today that Bea Houle and Roland Hemon took Olivette to see Dr. Reed.
A. I spoke to Bea about that and she said that she had taken my mother by herself the first time and Roland went the second time.
Q. But she told us on January 7th, in this court they had both gone to the doctor every time she ---
A. I just told you that the second time.
Q. Did you hear my question?
A. That I had said that Bea Houle -- Roland went with Bea Houle to Dr. Reed's.
Q. That's right.
A. And I said the first time she went alone, the second time Roland went with her.
Q. But you heard Bea Houle tell us here in this courtroom that Roland and Bea went with Olivette both times, did you hear Bea Houle ---
A. Not both times, no..."

It should be noted, that Heloise Davis is contradicting a person, whom she asked to testify in her behalf and her cause.

(U.S. Supreme Court # 88-1199-**A20**)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF OLIVETTE HEMON

GDN #72

From the transcript of proceedings of October 26, 1984, Page 156, the respondent here, Armand Hemon, and petitioner in the above captioned matter is found to have testified as follows:

"...She (Olivette Hemon) willing came over to my car, where my car was. I was standing outside. She gave me one big hug and we stood there for a while and we requested that since I was taking her back up to the North Country,..."

The Newington Police Log, infra, contradicts this statement of Armand Hemon and asserts the contrary fact, that it was contrary to her will, that she wanted to stay with son #2, defined as Roland E. Hemon, the petitioner here. Further, the phrase " taking her back to the North Country " is inaccurate as her home for 34 years was 200 miles from the " North Country, namely York Harbor, Maine, and Dover, N.H.. If the petitioner's home had been in the

North Country, then proper venue for the guardianship proceedings would have been there instead of the Strafford County Probate Court, or even more appropriately the York County Probate Court in Alfred, Maine, as she had lived uninterruptedly since 1950 in York Harbor, Maine, in her home she called Knollcrest. In no way could the North Country (which refers to northern Vermont) be considered a place she had left and to which she was being returned, and thus justify the statement made by the respondent Armand Hemon, " ...since I was taking her back up to the North Country...".

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF OLIVETTE HEMON

GDN #72

From the transcript of proceedings of October 26, 1984, Page 167, the respondent here, Armand Hemon, and petitioner in the above captioned matter is found to have testified as follows under cross-examination:

" Q. Looking back to the Mrs. and Me incident, isn't it true that Olivette refused to ---
A. The Mrs. and Me.
Q. This is the ---
A. Oh, all right. The restaurant.
Q. The restaurant.
A. Yes.
Q. And do you know where that is?
A. Yes, it's on Route 1A, probably four or five miles down from York, York Village.
Q. And isn't it true that at the Mrs. and Me, Olivette refused to go with you?
A. She initially did, yes. "

The above testimony refers to an incident, that occurred about an hour before the incident of A20. Thus the respondent Armand Hemon admits, that at Mrs. and Me the petitioner Olivette D. Hemon did **NOT** want to go with him, while asserting, that one hour later at the Newington Parking lot she did

want to go with him, which assertion is contradicted by Officer W. Cronin of the Newington Police Department, who maintains in the police log, infra, that at the Newington Parking Lot she still did **NOT** want to go with the respondent Armand Hemon. The petitioner being at Mrs and Me and at the Newington Parking Lot knows, that the petitioner Olivette D. Hemon was consistently adamant in **REFUSING** to go with the respondent Armand Hemon.

Armand Hemon thus shows either having a poor memory and thus failing to meet the requirement for a credible witness, or having a good memory and having wilfully and intentionally committed perjury. Either way, since Armand Hemon is a key participant and initial petitioner for guardianship along with the co-respondent Heloise Davis, all of the proceedings are ill founded and ill grounded, and compromised. Though the complaints with respect to this have been

frequent in the state courts, everything has been done to cover-up and protect this person, and all actions, decrees, rulings, orders etc. of the state courts have this kind of credibility as foundation and legitimacy, and as justification for violations of many state statutes and the state constitution, as well as federal statutes and the federal constitution. Of greater import is the violation of the basic rights of Olivette D. Hemon, who as a result of all of these proceedings carried on **" UNDER COLOR OF STATE LAW "** was brutalized psychologically and the quality of her life destroyed. Injurious repercussions fell on the petitioner, Roland E. Hemon, in the case before this Court as well, because of his self-sacrificing support of his mother, Olivette D. Hemon, the co-petitioner.

POLICE DEPARTMENT

NEWINGTON, N.H. 03801

DAILY REPORT

DATE	DAY	WEATHER
8/30/84	THURSDAY	Clear, Humid, Hazy, Hot

---

2. ..." and Brother #2: **ROLAND E. HEMON DOB: 05-01-26 of Oak St. Dover, N.H. who had physical Custody of Mrs. Hemon. Mrs. Hemon, however, wanted to stay with Brother #2..."**

Officer Cronin was the policeman involved, and the policeman, who made the report found in the police log of 8/30/84.

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIANSHIP OF OLIVETTE D. HEMON, GDN #72

From the transcript of proceedings of January 7, 11, 16, and 21 of 1985, Vol. II, Page 360, we have testimony of Charles Hemon, son of the respondent Armand Hemon, describing the aftermath of the involuntary custodianship thrust upon the petitioner Olivette D. Hemon by her son, the respondent Armand Hemon:

" A. No. She was just sitting in the front seat of the car when I saw her.
Q. Did she ask any questions?
A. Why everything had to be so complicated.
Q. Anything else?
A. No. Just general questioning the whole situation, you know, series of events, why they had to be.
Q. Why they had to be?
A. Why they had to be going on. Why it had to be that way.
Q. Did she appear to understand what was going on?
A. No.
Q. Did she appear to be upset with what was going on?
A. Yes....
Q. You can answer that question. Was she upset?
A. Yes.
Q. Did she say why?
A. Yes, because everything just seem, I

guess, it appeared to her, that her whole life was crumbling and everything was mismatched."

This testimony by the son of the respondent Armand Hemon denies the hugs and kisses and joyful aspects testified to by the respondent Armand Hemon as he took possession of his mother, the petitioner Olivette D. Hemon against her will, **UNDER COLOR OF STATE LAW**, and violating federal kidnap statutes, on August 30, 1984. The petitioner Olivette D. Hemon was not happy and feeling liberated from an oppressor. Her upset confirms the involuntary nature of the incident. In the morning the petitioner, Olivette D. Hemon was happy and looking forward to a nice long week-end at North Conway, N.H.. A motel , Green Granite, had the reservations for both petitioners, Olivette D. Hemon and Roland E. Hemon. The end of the day found her in captivity where " her whole life was crumbling and everything was mismatched. "

The abject lack of credibility of the respondent, Armand Hemon, is further

demonstrated by the testimony of his son, Charles Hemon, and yet it is this person along with the respondent Heloise Davis, who through misleading the legal system, have produced events and proceedings so devastating to the lives of both the petitioners, Olivette D. Hemon and Roland E. Hemon. Their lack of credibility does not excuse the state legal system, once involved, for violating its own state statutes, court rules, and the state and federal constitutions. Had the state legal system addressed the credibility problem in the beginning, then pernaps it would not have found it necessary to engage in cover-up to extent it has occurred. The state legal system can not say it did not know, for the petitioner, Roland E. Hemon has on every occasion pointed to this credibility and perjurous aspect.

(U.S. Supreme Court # 88-1199-A29)

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS. PROBATE COURT

IN THE MATTER OF GUARDIANSHIP OF OLIVETTE D. HEMON, GDN #72

From the transcript of proceedings of January 7, 11, 16, and 21 of 1985, Vol. I, Pages 190, 191, and 192, we have testimony of Beatrice Houle, one of the respondents of the instant case, describing her observation of the aftermath of the involuntary custodianship thrust upon the petitioner Olivette D. Hemon by her son, the respondent Armand Hemon:

" Q. You say the last time you saw Olivette was at the end of August, 1984, when Armand brought her over?
A. Right.
Q. After he had acquired custody of her?
A. Right.
Q. And she was not looking so well at the time?
A. She was looking horrible. So ill.
Q. What about her sense of self. How did she perceive herself?
(Objection and rephrase).
Q. You got a good chance to see her?
A. Oh, I sure did. Poor thing. She couldn't ---
Q. Did she appear to be ---
A. -- she couldn't even come in the house. We had to -- I had -- she couldn't even make it to the house. I had to put her on the picnic table on the lawn.

Q. Did she appear to be afraid?
A. She was just a confused, ill old lady. She was a very ill woman.
Q. Did it appear to you that she was afraid?
A. Afraid of what?
Q. Just afraid? Just afraid. Was her demeanor that of fear?
A. No, confusion.
Q. Confusion. Did she ---
A. Complete confusion.
Q. Did she say why she was confused?
A. When you're as confused as she was, I don't think you realize you're confused.
Q. What about not being able to walk, do you mean she couldn't walk at all?
A. No, she could not walk. Her -- son Armand and his son helped her out of the car and they brought her to the -- they brought her to the table.
Q. Did she appear to be happy?
A. How could she be happy, she was so sick..."

This testimony of the respondent Beatrice Houle, niece of the petitioner Olivette D. Hemon, concerning the aftermath of the respondent Armand Hemon having taken possession of his mother against her will, as is recorded in the NEWINGTON POLICE LOG, described graphically the breakdown of the petitioner Olivette D. Hemon as a result of the events of August 30, 1984, namely her abduction **UNDER COLOR OF STATE LAW.** Before

the abduction, the petitioner Olivette D. Hemon was accustomed to walking unaided and unsupervised a mile in about 25 minutes. This testimony of the respondent Beatrice Houle along with that of Charles Hemon, shows how crushed the petitioner Olivette D. Hemon was by the recent events, which ended her freedom and brutalized her psychologically to the point of physical collapse. The morning of August 30, 1984, the petitioner Olivette D. Hemon was cheerful and happy at the prospect of a long Labor Day week-end in North Conway, N.H.. Little did the petitioners Olivette D. Hemon and Roland E. Hemon realize as they left for the long week-end, the disastrous end of that day.

This testimony by the respondent Beatrice Houle denies the hugs and kisses and joyful aspects testified to by the respondent Armand Hemon as he took possession of his mother, the petitioner Olivette D. Hemon against her will, **UNDER COLOR OF STATE LAW**, and violating

federal kidnap statutes, on August 30, 1984. The petitioner Olivette D. Hemon was not happy and feeling liberated from an oppressor. Her upset confirms the involuntary nature of the incident. The end of the day found her in captivity where " her whole life was crumbling and everything was mismatched. ", as described graphically by her grandson, Charles Hemon.

The abject lack of credibility of the respondent, Armand Hemon, is further demonstrated by the testimony of his cousin the respondent Beatrice Houle, and yet it is this person along with the respondent Heloise Davis, who through misleading the legal system, have produced events and proceedings so devastating to the lives of both the petitioners, Olivette D. Hemon and Roland E. Hemon. Their lack of credibility does not excuse the state legal system, once involved, for violating its own state statutes, court rules, and the state and federal constitutions. Had the state legal system

addressed the credibility problem in the beginning, then perhaps it would not have found it necessary to engage in cover-up to extent it has occurred. The state legal system can not say it did not know, for the petitioner, Roland E. Hemon has on every occasion pointed to this credibility and perjurous aspect of the case, which thoroughly undermines the grounds that the N.H. state courts used as a basis for proceeding. Hence everything that happened to the petitioners Olivette D. Hemon and Roland E. Hemon was **UNDER COLOR OF STATE LAW**, was oppressive and tyrannous, most certainly in violation of the due process clause and equal protection of laws clause of the 14th Amendment of the U.S. Constitution, in violation of 18 U.S.C. §§ 241 and 242 of the U.S. criminal code, and 18 U.S.C. §§ 1201(a)(1) and 1201(b), kidnaping.

The examples cited in this Appendix of perjury and misleading statements are not the only such statements in the record. They are

representative of the testimonial output of the participants, who so drastically devastated the life of the petitioners Olivette D. Hemon and Roland E. Hemon.

(U.S. Supreme Court # 88-1199-**A34**)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

March 1, 1988

Mr. Roland E. Hemon
10 Oak St.,
Dover, N.H. 03820

John D. MacIntosh, Esquire
Epstein & Burke
16 Low Avenue
Concord, N.H. 03301

Gerard A. Spegman, Esquire
P.O. Box 778
Portsmouth, N.H. 03801

Re: 88-074 Roland E. Hemon, for himself & Olivette D. Hemon, his mother v. Office of Public Guardian, Armand Hemon, Heloise Davis, & Beatrice Houle

On February 26, 1988, your filing in refrence to the above-captioned matter was received in the clerk's office and has been docketed as case number 88-074. A court order will be issued in reference to acceptance or declination after the screening process is completed.

Any subsequent correspondence or pleadings which are filed with the Supreme Court by any party in the case must have the

correct supreme court docket number, or assessments will be levied. Please refer to Rule 26(8), effective September 1, 1987.

Very truly yours,
Signed:
Carol A. Belmain
Deputy Clerk

Distribution: Addressees
Strafford County Superior Court
Howard J. Zibel, Deputy Clerk
File

(U.S. Supreme Court # 88-1199-**A36**)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 88-074 Roland E. Hemon & a. v. Office of Public Guardian the court upon June 29, 1988 made the following order:

"Notice of Appeal is declined. See Rule 7(1)."

Distribution:

Mr. Roland E. Hemon
Strafford County Superior Court (2)
John D. MacIntosh, Esquire
Gerard A. Spegman, Esquire
Donna R. Craig, Supreme Court
File

Ralph H. Wood
Clerk

(U.S. Supreme Court # 88-1199-A37)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 88-074 Roland E. Hemon & a. v. Office of Public Guardian the court upon July 29, 1988 made the following order:

" Plaintiff's motion for reconsideration is denied."

Distribution:

Roland E. Hemon
John D. MacIntosh, Esquire
Gerard A. Spegman, Esquire
Strafford County Superior

Ralph H. Wood
Clerk

(U.S. Supreme Court # 88-1199-**A38**)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

August 10, 1988

Mr. Roland E. Hemon
10 Oak Street
Dover, N.H. 03820

Re: 88-074 Hemon v. Office of Public Guardian

Dear Mr. Hemon:

On August 1, 1988, this office received from you a motion for summary reversal in the above-captioned matter. This obviously crossed in the mail with the Court's denial of your motion for reconsideration, which was issued on July 29, 198^. At the time of the filing of your motion for summary reversal, the court had made a final determination in this case; therefore, the motion for summary reversal will not be distributed to the court, and you will receive no ruling thereon.

Very truly yours,
Signed:
Howard J. Zibel
Deputy Clerk

cc. John D. MacIntosh Esquire
Gerard A. Spegman, Esquire

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 88-261 In re. Guardianship of Olivette Hemon the court upon November 21, 1988 made the following order:

" Roland E. Hemon's motion for summary reversal is denied. Roland E. Hemon's motion to stay is denied. Office of Public Guardian's motion to strike memorandum is denied. Notice of Appeal is declined. See Rule 7(1).

Distribution:
Roland E. Hemon
John MacIntosh, Esq.
John Lyons, Esq.
Anthony Hartnett, Esq.
Strafford County Probate Court
Donna R. Craig, Supreme Court
File

Ralph H. Wood
Clerk

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

In Case No. 87-363 Olivette Hemon & a. Roland E. Hemon the court upon March 30, 1988 made the following order:

Case shall be designated as Olivette D. Hemon by & through of the office of public guardian v. Roland E. Hemon. See Rule 7(5). Plaintiff's request is dismissed as untimely filed. See Rule 7(5). Plaintiff's request for sanctions and defendant's motion for direction are denied.

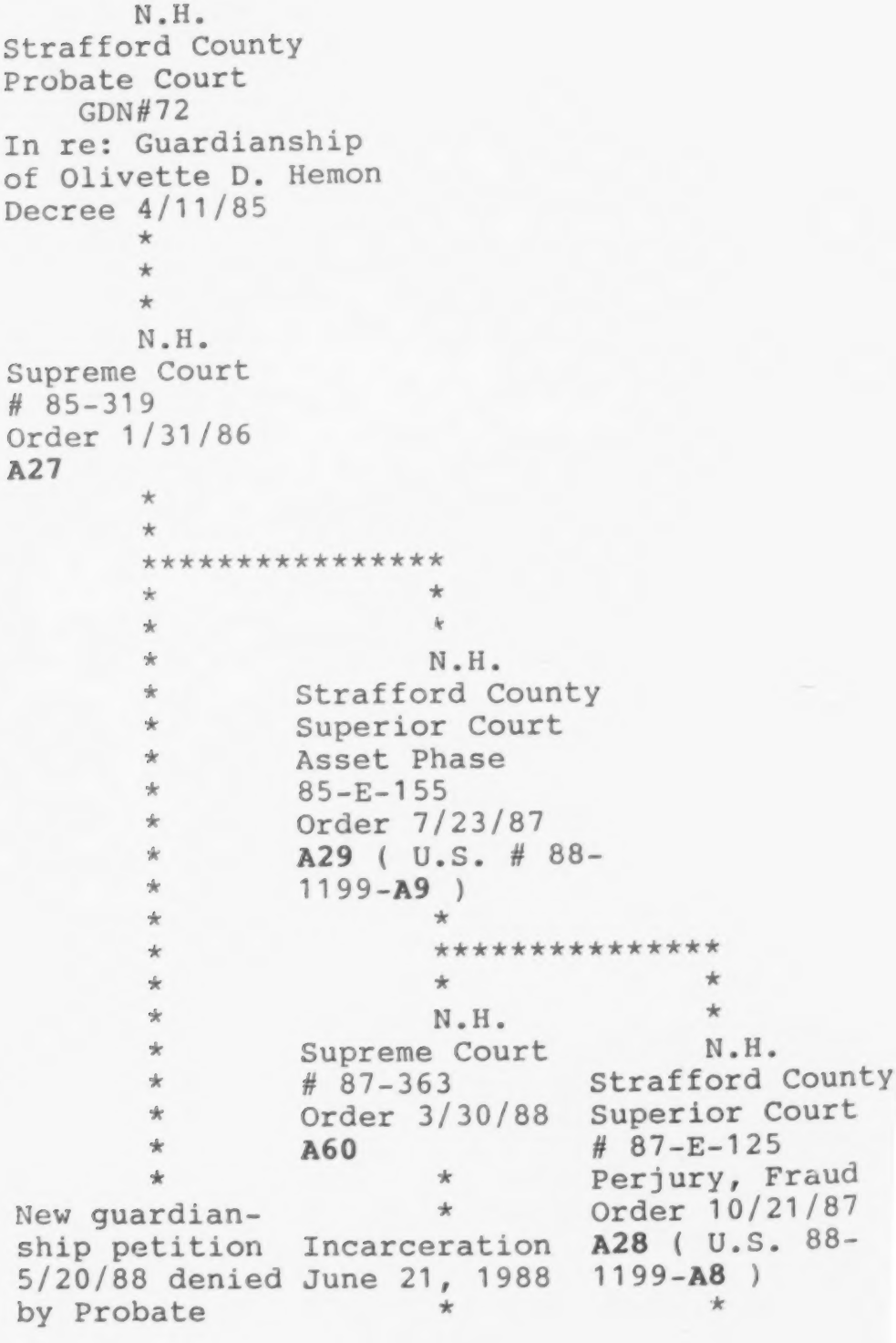
Defendant's notice of appeal and amendments thereto are declined. See Rule 7(1).

Defendant's motions for contempt and stay are denied. Office of Public Guardian's motion to sever appeal of Strafford County Superior Court Case No. 87-E-125 is moot since the direct appeal of that case has been docketed as No. 88-074 in this court.

Distribution: John D. MacIntosh, Esq.; Roland E. Hemon, Esq.; Strafford County Superior Court; Donna R. Craig, Supreme Court; File.

Signed: Ralph H. Wood, Clerk

SCHEMATIC OUTLINE OF HISTORY
OF CASE



Court 5/25/88
A13

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N.H.
Supreme Court
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Reconsideration
Order 1/9/89
A12

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The above respectfully submitted,

DATE: April 25, 1989 Roland E. Hemon
Roland E. Hemon, Pro se

AFFIRMATION

STATE OF NEW HAMPSHIRE, STRAFFORD COUNTY

I hereby certify that the above-named Roland E. Hemon did personally appear and made solemn oath that the statements contained in **SUPPLEMNT TO PETITION FOR WRIT OF CERTIORARI TO THE NEW HAMPSHIRE SUPREME COURT** filed with the U.S. Supreme Court are true to the best of his knowledge. I certify to his signing of the **CERTIFICATE OF SERVICE**, as well.

DATE: April 25, 1989 Helen F. Futch
Notary Public

HELEN F. FUTCH, Notary Public
My Commission Expires June 13, 1989

CERTIFICATE OF SERVICE

I hereby certify, that pursuant to U.S. Supreme Court Rule 28.3, three copies of this SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI have been mailed to the respondent Office of Public Guardian, 6 White St., Concord, N.H. 03301, Tel. (603) 224-8041; Atty. Anthony Hartnett, Merchants Building, Dover, N.H. 03820, Tel. (603) 749-2225; Atty. John Lyons, P.O. 477, Portsmouth, N.H. 03801, Tel. (603) 436- 6500.

DATE: April 25, 1989 Roland E. Hemon
Roland E. Hemon, Pro se